

# Rx News Bulletin

## Bureau of Narcotics & Dangerous Drugs

Missouri Department of Health and Senior Services

[health.mo.gov/safety/bndd/index.php](http://health.mo.gov/safety/bndd/index.php)

## States Reduce Limits on Opiate Prescriptions

Governor Christie of New Jersey signed Senate Bill 3 into law restricting opiate prescriptions. Initial prescriptions for opioids are limited to a five-day supply, and insurance companies must accept addicts into treatment without delay. The restrictions on these prescriptions do not apply to cancer patients, hospice patients or patients in long-term care facilities. This bill was sponsored by 16 members of the legislature and co-sponsored by 13 more.

The Ohio State Medical Board, Board of Pharmacy, Dental Board and Board of Nursing promulgated new rules without the need for new legislation. The new regulations went into effect April 1, 2017 and restrict opiate prescriptions to a seven-day supply. The limits apply to acute patients with exceptions for cancer, hospice and medication-assisted addiction patients. Prescribers may override limits if they provide a specific reason in the patient's medical record.

The current Missouri law allows doctors to prescribe up to a 90-day supply. Assistant physicians, nurse practitioners and physician assistants are allowed up to a five-day supply.

## Expiration Notices—Changes in BNDD Procedures

Historically, as a courtesy, the Bureau of Narcotics and Dangerous Drugs (BNDD) sent out two reminder postcards to notify registrants of expiration dates. BNDD mailed a yellow reminder postcard 60 days in advance of expiration. In addition, the BNDD sent a second postcard seven days after a registration expires. As a cost savings measure, the bureau is implementing the following changes:

1. Effective April 1, 2017, BNDD will send out **one reminder notice only**. Registrants will continue to receive a reminder notice 60 days in advance of expiring, but will not receive a second notice once a registration has expired. This change mirrors the change made by the DEA on Oct. 1, 2016.
2. To further reduce costs, BNDD is converting the postcard notification to an **email notification**. In late summer 2017, notifications will not be sent as a printed postcard. Therefore, registrants are strongly encouraged to provide an accurate email address at the time of registration.

BNDD will continue to communicate and educate registrants and professional associations regarding the new procedures to ensure registrants have provided an accurate email address.

## Update—List of Controlled Substances

The Bureau of Narcotics and Dangerous Drugs has filed the final rules to update the list of controlled substances in Missouri. The rule, 19 CSR 30-1.002, will be published in the Code of State Regulation on April 30, 2017, and will become effective May 30, 2017. The new, updated list will be published on the bureau's website at <http://health.mo.gov/safety/bndd/index.php> on May 30, 2017.

## Assistant Physicians: New Type of Mid-Level Practitioner

The Missouri Legislature passed legislation authorizing the creation of a new type of practitioner called Assistant Physician (AP). APs are recent medical school graduates who have received their medical degrees but have not yet entered a residency program. Some graduates are awaiting the residency program of their choice and waiting for the next cycle. APs obtain a license from the Missouri State Board of Regulation for the Healing Arts, which authorizes them to obtain a BNDD and DEA registration. They have a supervising agreement with a physician and will have the same controlled substance authority as Physician Assistants.

APs seeking a BNDD registration can visit the BNDD website to complete a paper application for registration and mail it to BNDD. At this time, the system does not allow APs to register online. After the system is updated to include this change, individuals who registered on paper as an AP will be notified so future registration renewals can be completed online.

## Caution

### Reminder to Pharmacies

The new St. Louis County PDMP is scheduled to go live on April 25, 2017. This creates a PDMP for additional jurisdictions that joined this program such as St. Louis City, St. Charles County, Jackson County, Ste. Genevieve County, Cole County, Lincoln County, Stoddard County, Kansas City and the City of Independence.

Now that these areas have a reportable PDMP, this may lead to drug seekers leaving their area and traveling unusual distances to get prescriptions filled in areas not covered by a PDMP. Watching for seekers who travel unusual distances and bypassing other pharmacies to come to your pharmacy, is an issue where the BNDD, state board and DEA take disciplinary actions. Federal DEA regulations clearly state pharmacies have a secondary and separate responsibility in determining whether to dispense and have the right to decline a prescription.

Any pharmacist who believes a patient may be entering their pharmacy to avoid the PDMP may report this patient to the BNDD. BNDD will then share the information with the PDMP. Pharmacists are given immunity for reporting to BNDD pursuant to Section 195.045, RSMo.

## Celebrating the 134th Anniversary of the State Board of Health



The Bureau of Narcotics and Dangerous Drugs participated in the 134th Anniversary of the State Board of Health at the Missouri State Capitol Building on March 29. Department Director Randall W. Williams, MD, FACOG, discusses Missouri's opiate abuse challenges and the department's upcoming strategies to address the abuse of prescription drugs.

# Reviewing the Authority to Embargo Drugs

In the event of a fire, flood, radiation exposure or other event that may contaminate medications, the Missouri Department of Health and Senior Services may embargo medications if there is a reasonable belief that the medications may have been contaminated, damaged or adulterated pursuant to Section 196.095, RSMo. This would be a situation where the department or local health officials believe the medications are no longer fit for human consumption.

The department contracts with local public health departments and the local health officials may be deemed an “agent” of the department pursuant to Section 196.030, RSMo.

There are two options when it is believed medications have been damaged:

1. The licensee may voluntarily seal the drugs and reverse them for destruction. The party collecting the medications can provide a receipt record for the inventory so the licensee will have a document to show their insurance company. The department will not be forced to embargo medications.
2. If a licensee refuses to reverse the medications, health officials can pursue an embargo. The department or local public health agent may inventory, seal, seize and embargo the drugs and move them to a secure location pursuant to Section 196.030, RSMo. The department or local health official must contact the local prosecuting attorney who is required to file for a local hearing. County prosecutors are required to assist pursuant to Section 196.053, RSMo. The department will simultaneously contact the Attorney General’s Office and county prosecutor to assist and determine who will file for the

hearing in the local circuit court. A summary hearing will be held with the court issuing the final ruling. The judge may order that the drugs be returned to the licensee or the court may rule that the drugs must be destroyed and issue an order.

## PHARMACY STAFF

### REGISTER NOW FOR THE 2017 KANSAS CITY DIVERSION CONFERENCE

Drug diversion is a public and professional risk. Join the Missouri Board of Pharmacy and the BNDD as we discuss diversion trends and share tools/best practices for detecting and preventing pharmacy drug diversion. This is approved for 5.5 CE hours.

**WHEN:** Friday, May 5, 2017, 9:00 a.m. - 3:45 p.m.

**WHERE:** Stoney Creek Hotel & Conference Center  
18011 Bass Pro Drive  
Independence, Mo.

#### SPEAKERS:

- Michael Boeger, Administrator, Missouri Bureau of Narcotics and Dangerous Drugs
- Scott Collier, United States Drug Enforcement Administration
- Dr. Tara Shelly, PhD, Colorado State University Missouri Board of Pharmacy Inspectors

### REGISTER NOW!

**[www.planetreg.com/  
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Alternate forms of this publication for persons with disabilities may be obtained by contacting the Missouri Department of Health and Senior Services, BNDD, P.O. Box 570, Jefferson City, MO, 65102, (573) 751-6321. Hearing- and speech-impaired citizens can dial 711. EEO/AAP services provided on a nondiscriminatory basis.